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UNITED STATES SKI &
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12 **[Additional attorneys listed on
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13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16
17 ROSEY FLETCHER, ERIN O'MALLEY,
AND CALLAN CHYTHLOOK-SIFSOF,

18 Plaintiffs,

19
20 v.

21 PETER FOLEY, GALE "TIGER" SHAW
22 III, UNITED STATES SKI &
SNOWBOARD, AND UNITED STATES
23 OLYMPIC AND PARALYMPIC
COMMITTEE,

24 Defendants.
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Case No. 2:23-cv-00803-SPG-JPR

[Assigned to The Honorable Sherilyn
Peace Garnett]

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEFENDANTS
PETER FOLEY, GALE "TIGER"
SHAW III, AND UNITED STATES
SKI AND SNOWBOARD'S
NOTICES OF MOTION AND
MOTIONS TO DISMISS FIRST
AMENDED COMPLAINT**

1 Defendants United States Ski & Snowboard and Peter Foley respectfully
2 request that the Court take judicial notice of Exhibit A attached to this request.

3 Judicial notice of facts is proper where the facts “can be accurately and readily
4 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R.
5 Evid. 201(b)(2). Courts may take judicial notice of matters of public record, as well as
6 documents made publicly available where there is no question as to their authenticity.
7 *Lee v. City of L.A.*, 250 F.3d 668, 688-90 (9th Cir. 2001). Specifically, a Court may
8 take judicial notice of records and reports of administrative bodies and governing
9 bodies for sports. *See Gardner v. Starkist Co.*, 418 F. Supp. 3d 443, 452 (N.D. Cal.
10 2019) (taking judicial notice of article from National Oceanic and Atmospheric
11 Administration); *Matthews v. Nat’l Football League Mgmt. Council*, 688 F.3d 1107,
12 1113 (9th Cir. 2012) (taking judicial notice of records of sporting events reflected on
13 National Football League’s webpage).

14 Here, Defendants ask the Court to take notice of records maintained and
15 published by the International Ski and Snowboard Federation (“FIS”) as “the
16 governing body of international skiing and snowboarding” and “[r]ecognized by the
17 International Olympic Committee.”¹ These are publicly available records and no party
18 can reasonably dispute their authenticity. These records are therefore subject to
19 judicial notice, and the Court may consider them in ruling on Defendants’ Motions to
20 Dismiss. Judicial notice is necessary in this instance to facilitate the Court’s
21 understanding of the relevant timeline of events alleged in the First Amended
22 Complaint, and so as to comprehensively consider the arguments raised in
23 Defendants’ Motions to Dismiss.

24 Defendants therefore respectfully request that the Court take judicial notice of
25 the following:

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27
28 ¹ See <https://www.fis-ski.com/en/inside-fis/about-fis/general/facts-figures> (the “about FIS” page).

